

DEPARTMENT OF FOOD AND AGRICULTURE

1220 N Street
Sacramento, CA 95814
Phone: (916) 445-2180, Ext 3510



May 24, 2006

STZ-06-005

TO: WHOM IT MAY CONCERN

The following regulations were filed with the Secretary of State and became effective on May 18, 2006.

DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED CHANGES IN THE REGULATION

Title 3. California Code of Regulations
Article 43. Tomatoes

Amend Section 1472. to read:

1472. Tomatoes, Standards.

Tomatoes shall be mature, but not overripe, and shall be free from:

(a) The following defects:

(1) Mold, decay, wet or soft rot, dirt, manure, bird or animal droppings that adhere to the surface of the tomato.

(2) Pinworm penetrating beyond the tissue making up the base of the core of the tomato.

(3) Other insect injury which has penetrated or damaged the flesh.

(b) Serious damage due to freezing, blossom end rot, mosaic, alkali spot, sunscald, bruises, catfaced, growth cracks, or other causes. Damage is serious when it wastes 10 percent, by volume, of the individual tomato.

Note: Authority cited: Sections 407 and 42684, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

Amend Section 1472.4. to read:

1472.4. Tomatoes, Marking Requirements.

In addition to basic marking requirements of Section 1359, every nonconsumer ~~type container~~ of tomatoes of the Roma, "saladette", or "plum" type ~~shall be clearly and conspicuously marked with a weight statement of 25 lbs. accompanied by the words "net weight" or "net wt."~~ shall be marked with a grower and lot identification code to enable traceback. Every nonconsumer type container of tomatoes of the Roma, "saladette", or "plum" type shall be clearly and conspicuously marked with a weight statement of 25 lbs. accompanied by the words "net weight" or "net wt."

Note: Authority cited: Sections 407 and 42682, Food and Agricultural Code. Reference: Section 42941, Food and Agricultural Code.

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Adopt Section 1472.7.2. to read:

1472.7.2 Tomatoes, Registration of a Handler.

(a) For purposes of this section, a handler is any individual or company that engages in the operation of selling, marketing, or distributing tomatoes that have been produced, purchased, or acquired from a producer, and are first marketed on behalf of a producer, whether as an owner, agent, employee, broker, or otherwise, but shall not include retailers or restaurants, and Certified Producers as defined in Section 1392.2.

(b) Prior to commencing packing, handlers shall register with the Secretary of the Department of Food and Agriculture. Registration shall be on a Department form and shall include only the following:

(1) The name, address (including zip code), and telephone number of the handler.

(2) The name of the principal owner(s) of the company.

(c) In the event of a suspected violation of this article, a handler shall provide, upon request of the Secretary or his representative, records related to field location, grower, harvest date, pack date, transporter, and purchaser of packed tomatoes. Such records shall be maintained for the current marketing year.

Note: Authority cited: Sections 407, 42681, 42802 and 42808, Food and Agricultural Code.
Reference: Section 42681 and 42808, Food and Agricultural Code.

Enclosed is the Department form numbered 51-067, required in Section 1472.7.2, to be used by a tomato handler to register with the Secretary of the California Department of Food and Agriculture. This form shall be completed and returned to the Department upon receipt.

If you have any further questions please feel free to call me at the number listed above.

Sincerely,

Steve Patton, Supervisor
Standardization Program
Inspection and Compliance Branch
Division of Inspection Services

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Enclosure